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ABSTRACT

This paper discusses the importance of civic education in the transformation from totalitarian communism to constitutional democracy in Central and Eastern Europe. The primary question of civic education for this great transformation is: What are the few core ideas of democratic civic education that learners must know and support to prepare them for citizenship in a democracy? This discussion highlights fundamental elements of any workable and conceptually sound curriculum. These elements may be elaborated and practiced variously to suit social and cultural differences. The assumption is that the ideas presented about curricular content are necessary, if not sufficient, to democratic civic education in Central and Eastern Europe or anywhere else in the world. The first task of democratic civic education is the clarification of the key idea, democracy. The intended educational outcome is to provide students with criteria to assess and appraise proposals and practices for which democratic claims are made. Educators should introduce a minimal definition of democracy and elaborate upon it through explication of a set of core concepts with which it is inextricably associated in the operations of any authentic democratic polity. Students in possession of these key ideas would have intellectual tools for interpreting and judging the extent to which political systems (including their own) are, or are not, exemplifications of democracy. Constitutionalism and individual rights, separation of powers, civil society, and economic freedom have become important facets of all authentic modern models of democracy. (DK)

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# CORE IDEAS OF DEMOCRATIC CIVIC EDUCATION AND THE GREAT TRANSFORMATION IN CENTRAL AND EASTERN EUROPE

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# CORE IDEAS OF DEMOCRATIC CIVIC EDUCATION AND THE GREAT TRANSFORMATION IN CENTRAL AND EASTERN EUROPE

by John J. Patrick

## An Unprecedented Opportunity for Democratic Civic Educators

From 1987 through 1991, as we Americans celebrated the Bicentennials of our Constitution and Bill of Rights, long-repressed peoples of Central and Eastern Europe overthrew despotic regimes and contemplated an unprecedented social and political transformation. They intrepidly intended to construct constitutional democracy from the ruins of totalitarian communism. And they quickly recognized the critical importance of civic education to their aspirations. Vaclav Havel, the great Czech leader, wrote, "The most basic sphere of concern is schooling. Everything else depends on that."[1] His opinion echoes throughout the region. An Estonian educator (Sulev Valdmaa), for example, told me during a recent interview, "Development of a free and democratic Estonia depends upon development of effective and pervasive civic education for Estonian citizens. It can happen no other way."[2]

## The Challenge

Educators of Central and Eastern Europe have looked to the West, especially to the United States of America, for inspiration, material aid, and, above all else, ideas for civic education in support of constitutional democracy. Can we help them? Can core ideas of American civic education, embedded in our founding documents, become staples of curricula in schools

of former communist countries such as Estonia, Poland, and the Czech Republic? What ideas should be at the core of the curriculum of civic education for democracy in countries moving from totalitarian communism to constitutional democracy?

I seriously considered these questions for the first time during three intense days in mid-September 1990, at an extraordinary meeting in the home of our fourth president and greatest constitutionalist, James Madison. I was among a small group of Americans invited by the National Trust for Historic Preservation to Madison's Montpelier in Virginia's Orange County, to discuss civic education for democracy--its goals, substance, and methods--with representatives of former communist countries of Central and Eastern Europe. The Europeans earnestly expressed their hopes for a democratic future and their fears of problems inherited from their communist past. Jacek Strzemieczny, a Polish educator, stressed the complex problem of overcoming the residual effects of Marxist civic education, which for more than forty years had directed the minds and spirits of teachers and students toward ends diametrically opposed to constitutional democracy. He lamented, "Teachers of history [and civics] were either indoctrinated or repressed. We have to start over completely and train the trainers of the teachers. We are trying to fill an empty well with an empty bucket in a very great hurry."[3]

Dr. Strzemieczny and other Central and Eastern Europeans asked the Americans at Montpelier for help in filling the "empty bucket" and thereby

initiated projects in civic education that have brought me and American colleagues several times to six former communist countries: Czech Republic, East Germany, Estonia, Latvia, Poland, and Romania. My visits have been most numerous and for longer periods to Estonia and Poland. During these trips to Central and Eastern Europe, I have had various rich experiences pertaining to civic education for democracy. For instance, I have been a lecturer and leader of seminars for primary and secondary school teachers, a consultant on curriculum development projects, and an observer of teaching and learning in schools. Further, I have met and exchanged ideas on civic education with professors of universities, officials of education ministries, and leaders of civil society organizations.[4]

**Response to the Challenge**

My recent experiences as a civic educator in Central and Eastern Europe have stimulated me to rethink and recast ideas about the uses of civic education for development of democratic citizenship. But more than ever, I am convinced that the subtle and often paradoxical ideas of constitutional democracy and liberty cannot be implemented successfully without a certain level of public understanding and support for them. Institutions of constitutional democracy, no matter how well constructed, cannot be a "machine that would go of itself."[5] The efficacy and utility of the institutions rest ultimately on widespread comprehension and commitment, among masses of citizens, to the ideas at their foundations.

Political and civic ideas matter. Good ideas yield good consequences. But only if they are widely known, believed, and practiced, which points to an indispensable place for civic education in the great transformation from totalitarian communism to constitutional democracy in Central and Eastern Europe, for which so many people have sacrificed and yearned. So, the primary question of civic education for this great transformation is about key ideas: What are the few core ideas of democratic civic education that learners must know and support, if we would prepare them for citizenship in a democracy?

Treatment of this question, and the ideas embedded in it, certainly does not exhaust the topic of what and how to teach democracy through civic education. This discussion, however, does highlight fundamental elements of any workable and conceptually sound curriculum, which may be elaborated and practiced variously to suit social and cultural differences. The assumption is that the ideas presented here about curricular content are necessary, if not sufficient, to democratic civic education in Central and Eastern Europe or anywhere else in the world.

## A Minimal Definition of Democracy

### The Need for Clarification

The first task of democratic civic education is clarification of the key idea, democracy. The global popularity of democracy as the preferred label

for various political systems has obscured and confounded the idea. Since mid-century, democracy has become a virtually unchallenged "good idea," so that most regimes of our world have appropriated this term, although a minority of them have operated democratically. Totalitarian communist regimes, for example, were called "people's democracies." And various one-party dictatorships of post-colonial states in Africa and Asia have claimed commitment to democratic goals and procedures.

Given the semantic disorder associated with usage of democracy in the twentieth century, how should this key idea be introduced, defined, and elaborated upon in civic education programs? The recommended response: introduce a minimal definition of democracy and then elaborate upon it through explication of a set of core concepts with which it is inextricably associated in the operations of any authentic democratic polity. The intended educational outcome is to provide students with criteria to assess and appraise proposals and practices for which democratic claims are made. Thus, students in possession of these key ideas would have intellectual tools for interpreting and judging the extent to which political systems, including their own are, or are not, exemplifications of democracy.

**Ancient and Modern Concepts**

Construction of a minimal definition of democracy for today's world begins with a look back to the ancient world. The roots of democracy, more than 2,500 years old, are in the ancient city-republics of Greece, where the

people (demos) began to rule (kratia). Democracy (demokratia) in ancient times, rule by the many, was commonly compared to aristocracy, rule by the few, and monarchy, rule by one. The ancients practiced direct democracy on a small scale. That is, the citizens (all people included in the polity) had the right to participate equally and immediately in making and executing public decisions for a very small realm, the polis (community of the city).[6]

Political thinkers of modern times, from the philosophes of the European Enlightenment to the founders of the United States of America and thereafter, have pointed to critical deficiencies of ancient democracy, such as its proclivity for disruptive factional conflict, majoritarian tyranny, excessive claims on the individual in behalf of the community, disregard of personal or private rights, and inept administration of government.[7] Thus, James Madison wrote in his celebrated 10th Federalist Paper, "[t]hat such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."[8]

As in ancient times, democracy in our modern world still is, in Abraham Lincoln's memorable words, "government of the people, by the people, and for the people."[9] Democracy today, however, is representative, not direct; and the nation-state, not the small city republic, is the typical large-scale realm of the modern polity. Furthermore, unlike the very limited citizenry of the ancient polis, today's democracies are inclusive; virtually all inhabitants of

the realm may possess equally the rights and privileges of citizenship.

**The Definition**

Differences aside, however, the linkages of ancient to modern democracy are visible in a widely held general or minimal definition of democracy today, which provides a criterion for distinguishing democratic from non-democratic regimes. The criterion and minimalist definition: A political system is "democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote."[10] Thus, for example, a political system is undemocratic if there is no authentic opposition party to contest elections, or if the right to vote or otherwise participate is systematically denied to particular categories of persons for reasons of race, ethnicity, religion, ideology, and so forth.

This minimal definition emphasizes free, open, regular, fair, and contested elections as the essential conditi[illegible]r the practice of today's representative democracies, in which citiz[illegible]t representatives to make and execute decisions of government for the polity. However, a set of related ideas must be explicated and connected to this minimalist definition of modern democracy in order to help students of civic education comprehend, interpret, and appraise the institutions, practices, and events of their political world. This set of core ideas--constitutionalism and individual rights, separation of

powers, civil society, and economic freedom--exemplifies a few continuities with democracy in ancient times and fundamental changes developed in modern times to correct defects in the ancient model.

Various models of democracy have been developed in modern times. There are populist and communitarian models that emphasize citizen participation and civic responsibility. Some conceptions stress strong government acting affirmatively for the public good. Other models call for strictly limited government with the prinmary prupose of securing the rights of all persons in the realm.[11]

James Madison and other proponents of popular (democratic) and republican governments have attempted, from his times to ours, to redesign and refine the theory and practice of democracy to make it a stable, safe, and effective form of government for the modern nation-state. Thus, constitutionalism and individual rights, separation of powers, civil society, and economic freedom have become important facets of all authentic modern models of democracy. In its emphasis on constitutionalism and protection of individual rights, the following discussion favors the model often named "liberal constitutional democracy." This model holds that the highese purpose of the state is to secure for all its inhabitants such natural rights as life, liberty, property, equality of opportunity, and the personal pursuit of happiness.[12]

## Constitutionalism and Individual Rights

### Limited Government and the Rule of Law

Modern democracies operate in terms of a constitution, established by consent of the people, which grants and limits the powers of government. There is, therefore, limited government according to the rule of law, which is supposed to prevent arbitrary and abusive exercise of power. No one, not even the chief executive or the leader of parliament, is above the law, which equally binds and protects all persons of the polity.

Limited government and the rule of law, according to the provisions of a constitution of the people, are the foundations of constitutionalism in democratic government. Here is a formal definition of constitutionalism: It is the "forms, principles, and procedures of limited government. Constitutionalism addresses the perennial problem of how to establish government with sufficient power to realize a community's shared purposes, yet so structured and controlled that oppression will be prevented."[13]

Constitutionalism in a democracy both limits and empowers "government of, by, and for the people." There are constitutional limits on the power of the majority to rule through their representatives in government. An ultimate purpose is to protect the rights of all persons in the polity, including unpopular individuals or minority groups, against the threat of tyranny by the majority or by any other source of power. Thus, the supreme law of the Constitution, established and supported by the great body of the

people, limits the power of the people's government to secure the rights of everyone against potential abuses by the government. This is why a modern democracy, operating within the framework of a constitution, is precisely labeled a constitutional democracy, to indicate clearly that the people's government may NOT legally exercise power in certain ways deemed undesirable by the people.

**Constitutionalism in Democratic Governance**

Constitutional limitations on the democratic government's power are absolutely necessary to guarantee free, fair, open, and periodic competitive elections by the people of their representatives in government. The traditional constitutional rights of free speech, free press, free assembly, and free association must be guaranteed if elections are to fit the minimal criterion for democratic government. Further, the rights of free expression and protections from abuses by the government in legal proceedings against the criminally accused are necessary to maintain loyal but authentically critical opponents or opposition parties against the party in power. There must be little or no possibility for rulers to punish, incarcerate, or destroy their political opponents.

Constitutionalism, properly understood, is not antidemocratic in its limitations on majority rule and the popular will. Rather, it may be a means to protect a democratic government against certain maladies or deficiencies, well known to students of the ancient polis, which could lead to the demise of a democracy. Cass Sunstein, a notable American political scientist, says it well:

"[A] central goal of constitutional democracy is to secure a realm for public discussion and collective selection of preferences [through public elections, for example] while guarding against the dangers of factional [majoritarian] tyranny and self-interested representation."[14] Constitutionalism in a democracy denotes an unshakable commitment to limited government and the rule of law for the twin purposes of protecting individual rights and enabling authentic democratic government to operate.

Many nation-states with seemingly democratic constitutions, however, do not function as constitutional democracies. Constitutional appearances can be very deceptive. The modern world has been filled with sham constitutions, which have presented a facade of constitutional democracy with little or no correspondence to reality. Soviet-style constitutions of the recent past grandly proclaimed all kinds of rights while guaranteeing none of them.

**Constitutionalism in Democratic Civic Education**

Bronislaw Geremek, a former member of Poland's parliament and an eminent historian, provides an apt warning to civic educators about their lessons on constitutionalism: "Constitution: it is difficult to imagine another word more likely to be abused and compromised in a totalitarian system [such as Poland under the Communists]. . . . The citizens' education, as then practiced, made the constitution its subject matter. But we all realize how much the idea of citizens' education was not only abused but also

compromised by school education."[15] If lessons about constitutionalism are to be effective, they must be grounded in reality, with open inquiry about positive and negative examples of constitutions and constitutional practices in all parts of the modern world, including democracies of the West.

The way to proceed is aptly indicated by Wiktor Osiatynski, a highly regarded Polish scholar and advisor to his government. He recommends that the idea of constitutionalism should become the foundation for development of democratic government and civic education. According to him, "[T]he goal is constitutionalism as an awareness of rights and of some legal order in which the citizens live--of a consciousness of limited powers, of measures for appeal, of rules of the game which allow the citizens to foresee the future."[16] Thus Osiatynski and many others like him in his region of Europe would constitutionalize democracy, in civil government, civil society, and civic education, to secure the immutable rights of all persons living under the regime's authority, including unpopular minorities and individuals.

To fully understand, analyze, and appraise democracy in modern times, and to distinguish it from non-democratic forms of government, students of civic education, in Central and Eastern Europe or elsewhere, must connect constitutionalism as a protection of individual rights to their definitions of democracy. The following criterion is offered as an example which can be explicated with students of civic education. A constitutional democracy is a popular, representative government--based on free, fair, and periodic

competitive elections of representatives by an all-inclusive pool of voters--which is limited by the supreme law of a constitution to protect the individual rights of everyone in the polity and thereby to support democratic procedures in elections and public policymaking. This criterion incorporates and builds upon the minimal definition of democracy presented in the preceding section.[17]

## Separation of Powers, Constitutionalism, and Individual Rights

### Checks on Power to Prevent Tyranny

Separation of powers, with checks and balances, is a primary means to the effective practice of constitutionalism; that is, the design and use of a constitution that practically limits government to protect individual rights and support democratic procedures. James Madison stated the importance of separation of powers to prevent tyranny in the 47th Federalist Paper: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."[18] Without some type of effective separation of powers, there cannot be an authentic constitutional democracy.

The American model separates power among three coordinate branches of government: the legislative, executive, and judicial departments. Each branch has constitutional means to check the actions of the other branches to prevent any of the three coordinate departments from continually dominating

or controlling the others. There are many examples in the United States Constitution of ways that one branch of the government can check the actions of another branch to maintain a balance of powers among the three branches of government. For example, the President (executive branch) can check the Congress (legislative branch) by vetoing bills it has passed. The Congress, however, can overturn the President's veto by a two-thirds vote of approval for the vetoed bill. The Supreme Court (judicial branch) can use its power of judicial review, if warranted, to declare unconstitutional actions of the executive or legislative branches. The people at large, acting in terms of Article Five of the Constitution, can nullify the Supreme Court's use of judicial review by amending the Constitution to trump or overturn a particular decision by which the Court declared an act of Congress unconstitutional. Additional examples of the checks and balance system, which complements the principle of separated powers, can be found in Article I, II, and III of the United States Constitution.[19]

In the 48th Federalist Paper, James Madison highlighted the relationship of checks and balances to separation of powers as a means to effective constitutionalism. Madison wrote that unless the separate branches of government "be so far connected and blended [or balanced] as to give each a constitutional control [check] over the others, the degree of separation. . . essential to a free government, can never in practice be duly maintained."[20]

Of course, the American model is merely one way to include separation

of powers in constitutional government. There are other workable structures, such as those associated with various forms of the parliamentary model of constitutional democracy. The parliamentary models usually exemplify legislative primacy vis-a-vis the executive functions of government. However, they also exemplify a separate and truly independent judiciary, including a constitutional court, with the power of constitutional review, which is similar to the judicial review of the American system.

**Judicial Independence and Constitutional Review**

An independent judiciary with the power to declare legislative and executive acts unconstitutional is an indispensable facet of any model of constitutional democracy. This is the critical constitutional means to stop the legislative and executive powers from being used to violate individual rights and subvert democracy. A bill of rights in a constitution may eloquently declare lofty words about rights to life, liberty, property, and various forms of social security. But these rights will be practically useless unless there is governmental machinery to enforce them against acts of despotism. In the 78th Federalist Paper, Alexander Hamilton argued, "The complete independence of the court of justice is peculiarly essential in a limited constitution. . . . Limitations of this kind [to protect the rights of individuals] can be preserved in practice no other way than through the medium of the courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of

particular rights or privileges would amount to nothing."[21]

The constitutional courts of former communist countries of Central and Eastern Europe tend to concentrate their work on constitutional questions. Issues that pertain only to statutory interpretation, apart from the constitutionality of a law, usually are resolved by the lower courts, without action by the constitutional court. Unlike the American judiciary, these constitutional courts may provide opinions about the constitutionality of an act apart from the adversary process whereby a real case involving the act at issue is brought before the court by a prosecutor or someone filing suit against another party. Thus, these constitutional courts may render advisory opinions, which is not done by the American judiciary.[22]

The essence of constitutional review by the constitutional courts, however, is the same as the judicial review of the American judiciary. These judicial powers of an independent judicial branch of government exemplify the purpose of the constitutional principle of separated powers and checks and balances in government, which is to protect immutable individual rights to life, liberty, and property and sustain the fundamental procedures of democracy that depend upon freedom of expression, freedom of assembly, freedom of association, and freedom to participate in public elections and other public actions aimed at influencing and holding accountable the people's representatives in government.

The critical importance of an independent judiciary and judicial review to

constitutionalism in democratic government is underscored by Herman Schwartz, who has served as an adviser on constitutionalism in several countries of Central and Eastern Europe. He believes that "whatever chance these countries have to continue developing into constitutional democracies depends on strong, independent courts that can repel legislative and executive encroachments on their constitutions."[23]

**Separation of Powers in Democratic Civic Education**

The idea of separation of powers is subsumed by the higher order idea of constitutionalism. It is a necessary, if not sufficient, part of any constitutional design to secure individual rights and support democracy. If civic educators in Central and Eastern Europe and elsewhere would teach their students to understand, analyze, and appraise democratic governments, then they must teach them the principle of separated powers, with an emphasis upon the critical importance of an independent judiciary with power to declare unconstitutional, when warranted, the acts of government officials.

Students should be taught to use the idea of separated powers as a criterion by which to comparatively analyze and appraise the authenticity of claims about democratic governance. A government with little or no practicable separation of powers cannot realistically be called a constitutional democracy.

## Civil Society, Constitutionalism, and Individual Rights

### An Indicator of Democracy

A vibrant civil society is an indicator of effective constitutionalism in a democratic government. By contrast, a genuine civil society is impossible under a totalitarian model of government. Thus the emergence and growth of civil society organizations during the 1980s in former communist countries, such as Poland and Czechoslovakia, signaled the coming fall of the once-dominant communist regimes.

What is civil society? How is it related to constitutionalism, human rights, and democracy? And why is it necessary to the freedom of any democratic polity?

Civil society is the complex network of freely formed voluntary associations, apart from the formal governmental institutions of the state, acting independently or in partnership with state agencies. According to Jean L. Cohen and Andrew Arato, "We understand civil society as a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication. Modern civil society is created through forms of self-constitution and self-mobilization."[24] Examples of civil society organizations are free labor unions, religious communities, human rights "watchdog" groups, environmental protection groups, support groups providing social welfare

services to needy people, independent newspaper and magazine publishers, independent or private schools for youth, and so forth.

Civil society is distinct from the state, but not necessarily in conflict with it. In unitary models of democracy, emanating from the political philosophy of Rousseau, the relationship of the individual to the state is direct and total, and private organizations, apart from the state, are discouraged. In this conception of the democratic state, civil society organizations, if they exist at all, will be in conflict with the all-encompassing government, which may tend toward totalitarianism. By contrast, pluralist models of democracy imply the existence of many different kinds of civil society organizations, acting freely and independently of state control for the public good, which the state may also seek. In this model, civil society organizations may act in harmony with the purposes of the state, if not always in agreement with particular practices of state agencies. But, they also may act as an independent social force to check or limit an abusive or undesired exercise of the state's power.

In the pluralist model of democracy, constitutionalism functions to protect human rights to free expression, free assembly, and free association upon which the activities of civil society are based. Thus there is a top-down, from the constitution of the state, legal protection for the free establishment and operation of civil society organizations.

But there is also a bottom up, from the people in local communities,

practice of democratic participation in civil society organizations that contributes indispensably to the democratic government of the state and society at large. For example, civil society organizations are channels by which citizens articulate needs, wants, and interests to their candidates for office and representatives in government for possible transformation into legislation and public policy. They are public guardians by which citizens actively take responsibility for their rights and hold their representatives in government accountable to them. And most importantly, they are public laboratories by which citizens learn democracy by doing it.

An irrefutable indicator of authentic democracy in former communist countries of Central and Eastern Europe is the lively existence of many different kinds of civil society organizations. In Poland, for example, there are more than "15,000 associations, foundations, and self-help groups."[25] The situation is similar in the Czech Republic, Slovakia, Hungary, and the Baltic states.[26] Even in Romania, where democratization has proceeded rather weakly and slowly, there are hundreds of free, private-sector organizations, which the government tolerates.[27] A country with a vital civil society has a realistic chance to become a democracy.

**Democracy in Action**

An important research project, conducted in Italy during the past twenty years, documents the necessity of civil society organizations for "making democracy work."[28] According to Robert D. Putnam, who reports

the findings of this project, "The civic community [civil society] is marked by an active, public-spirited citizenry, by egalitarian political relations, by a social fabric of trust and cooperation," which he calls "social capital."[29] This social capital is a public good; if most citizens have acquired it through participation in civil society organizations, they can use it to strengthen democracy in the government of the state. In a country with a strong civic community or civil society, "both state and market operate more efficiently."[30]

According to the research on Italy reported by Putnam, "Those concerned with democracy . . . should be building a more civic community [civil society]. . . . We agree with [those who urge] . . . local transformation of local structures [which builds social capital] rather than reliance [only] upon national initiatives [because this is] the key to making democracy work."[31]

**Civil Society in Democratic Civic Education**

The vitality of civil society is a gauge of the strength and prospects of democracy in former communist countries of Central and Eastern Europe, as it is in the West or anywhere in the world. Thus, if students of civic education would know, analyze, and appraise democracy in their country or elsewhere, they must be able to comprehend the idea of civil society, to assess the activities of civil society organizations, and to connect their knowledge of this idea to other key concepts, such as constitutionalism, individual rights, and separation of power.

Students should be taught to distinguish democratic from non-

democratic governments by using as a criterion the idea of civil society to guide their comparative analyses and appraisals. A government with power to crush or control voluntary social organizations cannot be an authentic constitutional democracy. A political system without a genuine civil society cannot legitimately claim to be a constitutional democracy.

## Freedom in Economic Affairs

### Freedom of Exchange, the Market, and Constitutionalism

A free democratic government is not possible without both a vibrant civil society and a free economy, which depends upon freedom of exchange at the marketplace. The market is a place where buyers and sellers freely make transactions, such as the exchange of goods and services.

Freedom of exchange at the market, like other social interactions of a constitutional democracy, is regulated by the rule of law, which prevails in all spheres of democratic civic life. Thus, the principle of constitutionalism is used to limit the government's power to control economic transactions, thereby protecting private rights to property and free exchanges at the market. Constitutionalism also empowers the government to regulate, within certain limits, the economic affairs of individuals, which yields the order and stability necessary to security for individual rights to life, liberty, property, equality of opportunity, and so forth, which represent the greatest good in the genuine liberal model of democracy. So, freedom of economic activity in a

constitutional democracy is freedom under the rule of law.

The Nobel laureate in economics, Milton Friedman, asserts "Economic freedom is an essential requisite for political freedom. By enabling people to cooperate with one another without coercion or central direction, it reduces the area over which political power is exercised."[32] Further, Friedman claims, "Historical evidence speaks with a single voice on the relation between political freedom and a free market. I know of no example in time or place of a society that has been marked by a large measure of political freedom, and that has not also used something comparable to a free market to organize the bulk of economic activity."[33]

**Free Markets and Free People**

The free market, the means to freedom of exchange among parties in need of cooperative relationships to pursue certain economic interests, serves to offset or check concentrations of political power that could be exercised against individual rights. A market-based economy, like a dynamic civil society, enables development and maintenance of plural sources of power to counteract the power of the state and safeguard the people's freedom. By contrast, "The combination of economic and political power in the same hands is a sure recipe for tyranny."[34]

A centrally directed economy, the antithesis of the market-based economy, substitutes the commends of government officials with virtually unlimited state power for the free choices of the marketplace. Through their

total control of the production and distribution of goods and services (wealth and the means to wealth), the government officials in command of the economy have power to control totally the inhabitants of their realm. There are no effective limits to their power to abuse individuals at odds with the state or to deprive unpopular persons of their rights to liberty, equality of opportunity, and ultimately to life.

The totalitarian state, the political order of communism, precludes the market-based economy and civil society, because it cannot abide countervailing sources of power. Likewise, the market with its free choices and exchanges precludes totalitarianism and supports the liberal and constitutional model of democracy.

**Economic Freedom in Democratic Civic Education**

The vitality of free exchanges among individuals in a market-based economy is an indicator of the health of constitutional democracy and liberty in former communist countries of Central and Eastern Europe, as it is elsewhere. Some analysts of post-communist civic life in Europe are concerned that the indispensable linkages of free markets, free governments, and free people are not fully understood. Professor Robert Zuzowski, for instance, fears, "A majority of East Europeans have a poor perception . . . of the linkage between private ownership and democracy. . . . Some even argue implicitly that one may achieve democracy without private property or a dispersion of economic power. Historical evidence, however, does not

support this view. Never in modern history has liberal democracy been achieved without a widespread dispersion of economic power."[35]

If civic educators in Central and Eastern Europe, and in the West too, would teach their students to know constitutional democracy and liberty and to distinguish it from its illiberal alternatives, then they must teach them about free exchange in a market-based economy as a foundational facet of free government. Further, these students must acquire knowledge of centrally controlled economies and state-dependent people with little or no capacity to make free choices. They must learn that a government with sufficient power to comprehensively distribute, according to its commands, the goods of economic and social security also has sufficient power to deprive individuals of their rights to life, liberty, equality of opportunity, and the pursuit of happiness. An enduring lesson of modern history has been that free markets, which require free choices for their operations, are a condition for a civic life in liberty. This lesson from history must be at the core of civic education for democracy and freedom in a post-communist world.

## Teaching Democracy in Schools

### Problems of Teaching Democracy

Wide-spread knowledge of core ideas is the key to an effective civic education for democracy. A large obstacle to teaching and learning the core ideas, however, is the serious deficit of knowledge about them among many

teachers in the former communist countries of central and eastern Europe.

Professor Radmila Dostalova of Charles University in Prague, the Czech Republic, offers this explanation, "We were prevented from following the developments in social sciences that have taken place in the West since 1939. . . . This long-term isolation has created many problems in the discussions [among ourselves and with Westerners] concerning the aims, content, and form of civic education."[36] The Czechs and other peoples of Central and Eastern Europe were greatly restricted in their access to Western scholarship in political philosophy and political science, which forms the foundation for civic education in the United States and other western constitutional democracies. Thus, teachers of these former communist countries tend to suffer from a serious deficit in knowledge of core ideas necessary to implementation of a new civic education for constitutional democracy and liberty.

A related problem, conceptual confusion, involves different meanings, often subtle shades of difference, attached to key words by civic educators in the West and their counterparts in former communist countries. In my experience, this conceptual confusion has sometimes stemmed from the vagaries of a translator's efforts to recast an abstract thought from English into Estonian, Polish, or some other language of Central and Eastern Europe. More often, however, the problem has originated from deeper cultural or philosophical divisions.

Democracy and rights, for instance, were important words in the lexicon of Marxist-Leninist philosophers and civic educators of Central and Eastern Europe, but their denotations of these terms differed radically from those attached to the same words by scholars and educators of the West. Thus many teachers of the former "people's democracies" of Central and Eastern Europe bring ideologically distorted meanings of key ideas to programs designed to teach them concepts and methods of a new civic education for democracy. According to Wiktor Kulerski, who had been a school teacher before becoming an activist in Poland's revolutionary struggle of the 1980s, "The great majority of civics teachers today are the same people who taught the Marxist versions of these courses in the past, and they are deeply conservative in their retention of old ideas and methods."[37]

**Priorities in Teacher Education for a New Civics**

Extensive and systematic teacher education projects that address, first of all, the core ideas of democracy--the knowledge base of the new civic education--should be one of the highest priorities of those who desire to advance the great transformation to a new political order in Central and Eastern Europe. A related high-priority task should be development of new curricula, textbooks, and other instructional materials for students that emphasize the core concepts of democracy. Of course, numerous and various other topics having to do with the particularities of cultural heritage, local and national institutions of government, contemporary issues, and so forth should

be included in the new civic education, but always in terms of the core concepts at the foundation of the content for teaching and learning of democracy.

Ideas about the pedagogy for democratic civic education are as important as the core ideas about its content. So, teachers of the new civic education should be exposed to the best methods for engaging students actively in their learning of core concepts and related topics and information. This is the kind of teaching and learning that is fully compatible with the spirit and practice of democracy.

Active learning by inquiring students involves their application of concepts and related information to various types of tasks, such as the interpretation and discussion of a political document, analysis and debate about a current or past public issue, composition of an essay to defend or evaluate a position on a question about constitutional review, involvement in a simulation of decision making by the parliament or the constitutional court, participation in various civic decision making activities, such as deciding for whom to vote or which public policy to support, and the use of criteria based on core concepts to evaluate the extent to which a political system is or is not democratic.

Intellectually active learning of knowledge, in contrast to passive reception of it, appears to be associated with higher levels of achievement. Furthermore, it enables the student to develop skills and processes needed for

independent learning and civic decision making throughout a lifetime. These are the capacities of citizenship needed in a constitutional democracy committted to security for the rights of individuals.

Intellectually active learning in an open classroom enhances achievement of civic knowledge, democratic attitudes, and cognitive skills of the democratic citizen. In an open classroom, students feel free and secure in their expression and examination of ideas and issues, even those that are unpopular or unconventional. The democratic teacher in an open classroom is demonstrably supportive of free expression and inquiry by all students.[38]

If civic education for democracy is to succeed in former communist countries, or anywhere else, then teachers must be educated in the essential ideas of the subject and the best pedagogy for enabling students to learn it. The democratic civic education of teachers, then, is an indispensable part of the first phase of democratic educational reform in elementary and secondary schools.

**Civic Education and the Democratic Prospect**

Well-designed and conducted civic education projects, involving teacher education, curriculum development, textbook production, and so forth--if pursued with intense commitment--are likely to overcome momentary problems of pedagogical and curricular reform, such as knowledge deficits and conceptual confusion. If so, new generations of citizens in the former communist countries will be on their way to achievement of deep

understanding of core ideas of democracy, strong commitment to them based on reason, and high capacity for using them to analyze, appraise, and decide about phenomena of their political world. There are many severe problems in the former communist countries of central and eastern Europe, however, which could, if not resolved, distort or destroy the prospects for genuine democracy in the region.

The risky road ahead, full of obstacles, is clearly seen by Barbara Malak-Minkiewicz--a scholar, political activist in Solidarity's struggle against communism, and participant in the project on "Education for Democratic Citizenship in Poland." She says that upon the fall of communist regimes, "It looked like the ideas of Western civilization finally had triumphed. However, now that the dust has settled, one can see that the implementation of these ideas is neither automatic nor simple. In the ruin of communism, with its broken economy, messy values, and corroded institutions, a most significant political battle has begun. It is a battle for democracy. Its outcome is far from decided."[39] New civic education programs under development in Poland, Estonia, and elsewhere in Central and Eastern Europe could profoundly influence an outcome in the direction of democracy. This possibility is their ultimate justification.

**Notes**

1. Vaclav Havel, Summer Meditations (New York: Random House, Vintage Books, 1993), p. 117.

2. John J. Patrick, interview with Sulev Valdmaa, Program Director of the Jaan Tonisson Institute of Tallinn, Estonia, at Andineeme, County of Harju, Estonia, June 30, 1994, during a seminar for teachers of civics.

3. Statement of Jacek Strzemieczny, "Latterday 'Madisons' Meet at Montpelier," Constitution 3:1 (Winter 1991), p. 77.

4. Projects involving John Patrick are (a) seminars and conferences on civic education in Estonia sponsored jointly by the Jaan Tonisson Institute of Estonia and the International Foundation for Electoral Systems of the United States, (b) "Education for Democratic Citizenship in Poland," sponsored jointly by the Mershon Center of The Ohio State University, the Polish Ministry of National Education, and the Bureau for Civic Education in Local Control Schools in Poland, and (c) the Academic Advisory Panel on Civic Education Reform in Central and Eastern Europe of the United States Information Agency (USIA).

5. This phrase is taken from the title of a book on American constitutionalism by Michael Kammen and published in 1986 by Alfred A. Knopf of New York.

6. Excellent sources of information on ancient democracies are M.I. Finley, Politics in the Ancient World (Cambridge, England. Cambridge

University Press, 1983), J.K. Davies, Democracy and Classical Greece (Cambridge, Massachusetts: Harvard University Press, 1993), Paul Rahe, Republics, Ancient and Modern (Chapel Hill: University of North Carolina Press, 1992), and A.H.M. Jones, Athenian Democracy (Baltimore: The Johns Hopkins University Press, 1977).

7. See Giovanni Sartori, The Theory of Democracy Revisited (Chatham, New Jersey: Chatham House, 1987); This book includes an excellent chapter (pp. 278-297) on differences between Greek democracy of ancient times and modern democracy. In addition, see Martin Diamond, The Founding of the Democratic Republic (Itasca, Illinois: F.E. Peacock Publishers, 1981); M. I. Finley, Politics in the Ancient World; and Paul Rahe, Republics, Ancient and Modern.

8. Clinton Rossiter, ed., The Federalist Papers of Hamilton, Madison, and Jay (New York: A Mentor book of the New American Library, 1961), p. 81.

9. Abraham Lincoln, "Address at Gettysburg, Pennsylvania" in Andrew Delbanco, ed., The Portable Abraham Lincoln (New York: Viking, 1992), p. 295.

10. Samuel P. Huntington, The Third Wave: Democratization in the Late Twentieth Cenury (Norman: University of Oklahoma Press, 1991), p. 7.

11. An excellent study of different conceptions of modern democracy is provided by David Held, Models of Democracy (Stanford, California:

Stanford University Press, 1987).

12. A persuasive presentation of the model of liberal democracy is provided by Giovanni Sartori, The Theory of Democracy Revisited (Chatham, New Jersey: Chatham House, 1987).

13. See the article by Herman Belz on "Constitutionalism" in Kermit L. Hall, ed. The Oxford Companion to the Supreme Court of the United States (New York: Oxford University Press, 1992), p. 190.

14. Cass R. Sunstein, "Constitutions and Democracies: An Epilogue," in Jon Elster and Rune Slagstad, eds., Constitutionalism and Democracy (Cambridge, England: Cambridge University Press, 1988), p. 352; This volume includes several excellent essays on the relationships of constitutionalism to democracy in modern governments.

15. Bronislaw Geremek, "Polish Constitutionalism," in Stanley N. Katz, ed., Constitutionalism in East Central Europe (New York: American Council of Learned Societies, 1994), p. 5.

16. Wiktor Osiatynski, "Polish Constitutionalism," in Stanley N. Katz, ed., Constitutionalism in East Central Europe (New York: American Council of Learned Societies, 1994), pp. 21-22. In addition, see an excellent article by Wiktor Osiatynski, "A Model Misinterpreted," Constitution 3 (Spring-Summer 1991), 46-54; In this article Osiatynski argues that "two principles of American constitutionalism are relevant for Poland today. One is the principle of limited democracy--the belief that individual rights and the rights of

minorities are necessary limitations on the will of the majority because of the danger of an unrestrained majoritarian democracy. The other is the idea that a constitution represents a higher law that towers over the parliamentary or executive power." (See page 54.)

17. The critical importance of constitutionalism in any criterion for modern democracy is emphasized by Bruce Ackerman, The Future of Liberal Revolution (New Haven, Connecticut: Yale University Press, 1992); in particular see pages 46-68; Ackerman urges the former communist countries of Central and Eastern Europe to legitimize and protect their newly won rights by "constitutionalizing their revolutions."

18. Clinton Rossiter, ed., The Federalist Papers by Hamilton, Madison, and Jay, p. 301.

19. Bradford P. Wilson and Peter W. Schramm, eds., Separation of Powers and Good Government (Lanham, Maryland: Rowman and Littlefield Publishers, 1994).

20. Clinton Rossiter, ed., The Federalist Papers by Hamilton, Madison, and Jay, p. 308.

21. Ibid., p. 466.

22. Herman Schwartz, "The New East European Constitutional Courts," in A.E. Dick Howard, ed., Constitution Making in Eastern Europe (Baltimore: The Johns Hopkins University Press, 1993), pp. 163-207.

23. Ibid., pp. 194-195.

24. Jean L. Cohen and Andrew Arato, Civil Society and Political Theory (Cambridge, Massachusetts: The MIT Press, 1994), p. ix.

25. Irena Woycicka, "Grassroots Movements in Poland," in Ann McKinstry Micou and Birgit Lindsnaes, eds., The Role of Voluntary Organizations in Emerging Democracies (Copenhagen: The Danish Centre for Human Rights, 1993), p. 56.

26. Svennik Hoyer, Epp Lauk, and Peeter Vihalemm, eds., Towards a Civic Society (Tartu, Estonia: Nota Baltica Ltd., 1993); See the book cited above, note 23, edited by Micou and Lindsnaes, for numerous examples of civil society organizations in various countries of central and eastern Europe.

27. Liviu Matei, "Voluntary Organizations in Romania," in Ann McKinstry Micou and Birgit Lindsnaes, eds., The Role of Voluntary Organizations in Emerging Democracies (Copenhagen: The Danish Centre for Human Rights, 1993), pp. 66-69.

28. Robert D. Putnam, Making Democracy Work: Civic Traditions in Modern Italy (Princeton, New Jersey: Princeton University Press, 1993).

29. Ibid., p. 15.

30. Ibid., p. 181.

31. Ibid., p. 185.

32. Milton Friedman and Rose Friedman, Free to Choose (Orlando, Florida: Harcourt Brace Jovanovich, 1990), p. 2.

33. Milton Friedman, Capitalism and Freedom (Chicago: The University

of Chicago Press, 1982), p. 9.

34. Milton Friedman and Rose Friedman, Freedom to Choose, p. 3.

35. Robert Zuzowski, "Prospects for Reform in Eastern Europe," in Colin Vale and Irene van den Ende, eds., the Loss of Innocence (Pretoria, South Africa, 1994), p. 156.

36. John J. Patrick, interview with Radmila Dostalova, in her office at Charles University, Prague, Czech Republic, December 6, 1993.

37. John J. Patrick, interview with Wiktor Kulerski, President of the Foundation for Education for Democracy, at his Foundation office, Warsaw, Poland, December 13, 1993.

38. The pedagogical practices recommended in this paper are warranted by research documented in scholarly literature, such as Amy Gutmann, Democratic Education (Princeton, New Jersey: Princeton University Press, 1987); John J. Patrick and Charles S. White, "Social Studies Education, Secondary Schools," in Marvin C. Aikin, ed., Encyclopedia of Educational Research, 6th Edition (New York: Macmillan Publishing Company, 1992), pp. 1229-1245; and James P. Shaver, ed., Handbook of Research on Social Studies Teaching and Learning (New York: Macmillan Publishing Company, 1991).

39. Barbara Malak-Minkiewicz, "The Challenge to Democracy in Central Europe," Paper presented at the Conference on Educating for Democracy at Ohio Wesleyn University, November 12-13, 1992. p. 1.

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